UNITED NATIONS

NINTH
UNITED NATIONS CONGRESS
ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS

Cairo, Egypt, 29 April – 8 May 1995

Distr.
LIMITED

A/CONF.169/L.11
20 January 1995

ORIGINAL: ENGLISH

Item 6 of the provisional agenda*

CRIME PREVENTION STRATEGIES, IN PARTICULAR AS RELATED TO CRIMES IN URBAN AREAS AND JUVENILE AND VIOLENT CRIMINALITY, INCLUDING THE QUESTION OF VICTIMS: ASSESSMENT AND NEW PERSPECTIVES

Communication dated 12 Jannuary 1995 from the Belgian Ministry of Foreign Affairs, Foreign Trade and Development Cooperation to the United Nations Office at Vienna

Belgium would like to submit a draft resolution on violence against children, to be presented to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

(*Signed*) R. Vanreusel
Director a.i.
Direction Générale de la Politique
Direction d'administration des Nations Unies

*A/CONF.169/1.

V.95-50404T

DRAFT RESOLUTION

Elimination of violence against children

The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the Convention on the Rights of the Child,[1] the Declaration on the Rights of the Child,[2] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[3] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines),[4] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[5] and General Assembly resolution 45/115 of 14 December 1990, on the instrumental use of children in criminal activities,

Recalling that articles 19 and 32 to 36 of the Convention on the Rights of the Child call for States parties to the Convention to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence,

Recognizing that children are entitled to the guarantee, protection and benefit of all human rights recognized in various United Nations instruments, including the Universal Declaration of Human Rights,[6] the International Covenant on Economic, Social and Cultural Rights,[7] the International Covenant on Civil and Political Rights[7] and the Convention on the Rights of the Child,

Emphasizing that the protection of human rights is a significant consideration within the juvenile justice system as a whole,

Recalling the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s,[8] adopted by the World Summit for Children in New York on 30 September 1990,

Noting with appreciation the Vienna Declaration and Programme of Action,[9] adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in which the World Conference urged States to repeal existing laws and regulations and remove customs and practices which discriminated against and caused harm to the girl child and to address the acute problem of children under especially difficult circumstances, combating the exploitation and abuse of children by taking effective measures against female infanticide, harmful child labour, sale of children and organs, child prostitution, and child pornography, as well as other forms of sexual abuse,[10]

Recalling Commission on Human Rights resolution 1993/80 of 10 March 1993, on the application of international standards concerning the human rights of detained juveniles, resolution 1994/90 of 9 March 1994, on the need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography, resolution 1994/92 of 9 March 1994, on the Special Rapporteur on the sale of children, child prostitution and child pornography, resolution 1994/93 of 9 March 1994, on the plight of street children, and resolution 1994/94 of 9 March 1994, on the effects of armed conflicts on children's lives,

Recalling also that the World Health Assembly, in its resolution WHA 47.10 of 10 May 1994, entitled "Maternal and child health and family planning: Traditional practices harmful to the health of women and children",[11] urged all Member States to establish national policies and programmes that would effectively, and with legal instruments, abolish female genital mutilation, childbearing before biological and social maturity, and other harmful practices affecting the health of women and children,

Noting with appreciation the Programme of Action of the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, in particular principle 11 of the Programme of Action,[12] which stipulates that all States and families should give the highest possible priority to children and that the child has the right to be protected by appropriate legislative, administrative, social and educational measures from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sale, trafficking, sexual abuse, and trafficking in its organs,

Also noting with appreciation the recommendations of the expert group meeting on children and juveniles in detention: application of human rights standards,[13] held at Vienna from 30 October to 4 November 1994,

Bearing in mind that customary, traditional and religious considerations should not be invoked by States to avoid their obligations with respect to the elimination of violence against children,

Noting with appreciation the work undertaken by the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and, in particular, the recent reports of the Special Rapporteur,[14]

Also noting with appreciation the work of the Subcommission on Prevention of Discrimination and Protection of Minorities, the World Tourism Organization and the International Criminal Police Organization on the issue of children as victims of crime,

Further noting with appreciation the work of the Council of Europe in the field of violence against children, including the recommendations on the subject adopted by the Committee of Ministers of the Council of Europe, in particular recommendation R (85) 4, on violence in the family, recommendation R (91) 11, on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults, and recommendation R (93) 2, on the medico-social aspects of child abuse,

Welcoming the role of specialized agencies, non-governmental organizations and the community at large in promoting greater public awareness and more effective action aimed at preventing violence against children, *inter alia*, by drawing attention to the nature, severity and magnitude of violence against children and by assisting children who are victims of violence,

Recognizing the need for a continuing exchange of information between the various bodies entrusted with the tasks of preventing and combating violence against children,

Calling attention to the fact that it is important that perpetrators of violence against children receive appropriate punishment and treatment and that appropriate crime prevention measures be instituted,

Strongly condemning all forms of violence against children and all other violations of their human rights,

1. *Calls upon* all Governments, as well as intergovernmental bodies and non-governmental organizations, in accordance with the Convention on the Rights of the Child and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), to take all steps to eliminate violence against children in the family, whether such violence is perpetrated or condoned by the State or by individuals;

2. *Urges* Member States that are not already parties to the Convention on the Rights of the Child to become parties to it and urges Member States that are parties to it and have made reservations to withdraw

their reservations, particularly those relevant to the issue of violence against children and that are contrary to the object and purpose of the Convention or are otherwise incompatible with international treaty law;

3. *Also urges* Member States to ensure the effective implementation and promotion of existing United Nations standards, norms and instruments concerning children's rights, including those relating to the issue of violence against children;

4. *Further urges* Member States, in order to prevent, prohibit and punish all forms of violence against children, to adopt in the absence of existing laws:

(a) Penal sanctions to punish perpetrators of violence against children and to reduce the wrong suffered by children who are subjected to violence;

(b) Measures to facilitate the in-court proceedings of child victims of violence and assistance services for child witnesses and victims;

(c) Legislation to control the storage, acquisition and use of firearms;

5. *Further urges* Member States to enforce their laws relating to violence against children, in particular to apply due diligence in the prevention and investigation of acts of violence against children, whether those acts are perpetrated by the State or by individuals;

6. *Further urges* Member States to ensure that children subjected to violence have access to assistance that meets their needs, *inter alia*, access to the mechanisms of justice, to adequate and safe housing and support services, to economic assistance, to counselling and to health and social services, in order to promote their safety and physical and psychological recovery and social reintegration;

7. *Further urges* Member States to develop programmes in schools that promote non-violence, interpersonal respect and tolerance, and programmes that teach students how to resolve their conflicts in a peaceful manner;

8. *Further urges* Member States to develop multidisciplinary training, educational and information-sharing activities for law enforcement and other justice personnel, as well as for those in other relevant professions that assist in preventing the exploitation of children;

9. *Requests* Member States to promote and support public education and information activities to heighten public awareness of violence against children and of its criminal nature;

10. *Urges* Member States to develop and implement prevention and early intervention programmes for children to treat all effects of violence that they suffer or to which they are exposed, in order to put an end to the cycle in which abusive behaviour is transmitted from generation to generation;

11. *Also urges* Member States to study and exchange information on the extent to which the experiences suffered by victims of violence contribute to subsequent criminal behaviour;

12. *Further urges* Member States to develop intervention programmes and treatment services to modify the attitudes and behaviour of offenders while ensuring the safety of children subjected to violence;

13. *Further urges* Member States to promote research, collect data and compile statistics relating to the extent and incidence of different forms of violence against children and to encourage research on the

causes, nature, seriousness and consequences of violence against children and on the effectiveness of measures implemented to prevent and redress such violence;

14. *Requests* Member States to cooperate at the international level, through the use of bilateral, regional or multilateral mechanisms, in enforcing legislation on violence against children;

15. *Urges* Member States to encourage the mass media to cooperate in discouraging violence against children, to contribute in other ways to its eradication and to enhance respect for the dignity of children;

16. *Also urges* Member States to take special account of children's vulnerability to violence in situations of armed conflict, including such forms of violence as murder, torture, rape and systematic rape, sexual slavery and forced pregnancy, by making every effort, *inter alia*:

(a) To observe international humanitarian law, as well as international human rights instruments;

(b) To ensure that children subjected to violence in situations of armed conflict have safe and timely access to assistance by humanitarian organizations;

(c) To punish the perpetrators of violence in situations of armed conflict;

17. *Requests* the Secretary-General to consider publishing and distributing the draft United Nations manual on juvenile justice, in cooperation with the United Nations Crime Prevention and Criminal Justice Branch of the Secretariat, the Centre for Human Rights of the Secretariat and the United Nations Children's Fund;

18. *Requests* Member States to cooperate with, among others, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and to assist him in his work;

19. *Recommends* that the Commission on Crime Prevention and Criminal Justice, at its fourth session, should develop and undertake practical activities, including training, research and advisory services, to achieve the goal of preventing violence against children and, in doing so, to have regard to the recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

20. *Urges* the Commission on Crime Prevention and Criminal Justice to consider the elimination of violence against children one of the priorities to guide the work of the United Nations crime prevention and criminal justice programme in the biennium 1996-1997 and recommends that the work in that area should be undertaken in close collaboration with the United Nations Children's Fund, the United Nations Development Programme, the Commission on Human Rights, including the Subcommission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, the Committee on the Rights of the Child, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization;

21. *Invites* the institutes comprising the United Nations crime prevention and criminal justice programme network to undertake activities relating to the issue of violence against children and to submit a report to the Commission on Crime Prevention and Criminal Justice at its fifth session on practical measures that could be taken in the field of crime prevention and criminal justice to combat violence against children.

---

[1]General Assembly resolution 44/25, annex, of 20 November 1989.

[2]General Assembly resolution 1386 (XIV) of 20 November 1959.

[3]General Assembly resolution 40/33, annex, of 29 November 1985.

[4]General Assembly resolution 45/112, annex, of 14 December 1990.

[5]General Assembly resolution 45/113, annex, of 14 December 1990.

[6]General Assembly resolution 217 A (III) of 10 December 1948.

[7]General Assembly resolution 2200 A (XXI) of 16 December 1966.

[8]A/45/625, annex.

[9]*Report of the World Conference on Human Rights, Vienna, 14-25 June 1993* (A/CONF.157/24 (Part I)), chap. III.

[10]Ibid., sect. II, paras. 48 and 49.

[11]See World Health Organization, *Forty-seventh World Health Assembly, Geneva, 2-12 May 1994, Resolutions and Decisions, Annexes* (WHA 47/1994/REC/1).

[12]A/CONF.171/13, chap. I, resolution 1, annex, chap. II.

[13]E/CN.4/1995/100.

[14]E/CN.4/1991/51, E/CN.4/1992/55, E/CN.4/1993/67 and Add.1 and E/CN.4/1994/84 and Add.1.